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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,205	03/30/2004	Nicholas Jackson JR.	MRF-12703/08	4060
35161	7590	05/30/2006	EXAMINER	
DICKINSON WRIGHT PLLC 1901 L. STREET NW SUITE 800 WASHINGTON, DC 20036			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,205	<b>Applicant(s)</b> JACKSON ET AL.	
	<b>Examiner</b> Flemming Saether	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restriction***

This application contains claims 2-4, 6 and 7 drawn to a non-elected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 2,283,122) in view of Van Buren (US 3,795,890). Murphy discloses a fastener clip (1) being received in a rectangular hole (3) in a metal sheet (3), the clips comprising a base portion (10) having a threaded aperture (11), a pair of opposed arms (13, 14) engaging a top surface of the metal sheet and a pair of wedge shaped engaging portions (15) engaging an opposite side of the sheet adjacent the corners of the aperture. In regards to claim 8-10, the “retaining *portion*” [italic added for emphasis] is read as inclusive of the engaging portions and the “carrier *portion*” [italic added for emphasis] is read as inclusive of the threaded base and the pair of arms therefore, the “carrier portion” engages the upper side of the metal and the “retaining portion” engages the underside of the sheet. Murphy does not disclose the retaining

portions being U-shaped. Van Buren discloses a fastener clip including engagement portions (28) which are U-shaped (see Figs. 1 and 2). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the engagement portion of Murphy U-shaped as disclosed in Van Buren so as to be operable with different thickness plate members which would in turn make the device more versatile.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Van Buren as applied to claims 1, 8 and 9 above, and further in view of Lin (US 5,906,346). Modified Murphy does not disclose a second pair of fastening arms. Lin discloses a fastening clip and, as can be seen in Fig. 2, includes a second pair of arms. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of modified Murphy with a second pair of arms as disclosed in Lin in order to ensure better engagement of the fastener within the panel by the second pair providing additional gripping surfaces.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tinnerman (US 2,406,415). Tinnerman discloses a fastener mounting clip comprising a retainer portion (20) having a first pair of opposed arms (26) with engagement portions (27-28) for engaging an opposite side of a panel (A, see Figs 1 and 3) and a carrier portion (10) having a second pair of opposed arms (the portion of the carrier portion 10 seen in Fig. 6). The carrier portion includes a nut base (18) inserted in the aperture of the retainer (see Fig. 7A). The carrier portion includes guide arms (11) in alignment with the arms of the retainer portion. The engagement portion includes a center upright formed as the middle of a pair of U-shaped wedge portion (27). The engagement portions being closer to and in alignment with the arms of a carrier portion (see Fig. 6).

### ***Response to Remarks***

Applicant's remarks have been considered but, are moot in view of the new grounds of rejections necessitated by applicant's amendment.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

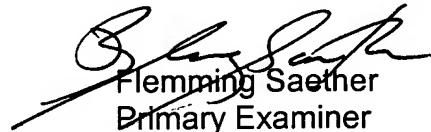
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Sæther  
Primary Examiner  
Art Unit 3677